

AUG 01 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

MANJINDER KAUR,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-76272

Agency No. A96-169-298

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Manjinder Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her applications for asylum, withholding of

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removal, and relief under the Convention Against Torture (“CAT”). To the extent we have jurisdiction, it is pursuant to 8 U.S.C. § 1252. We review for substantial evidence the BIA’s adverse credibility determination. *Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA’s determination that Kaur failed to establish that she filed her asylum application within one year of her arrival in the United States. *See Ramadan v. Gonzales*, 427 F.3d 1218, 1221-22 (9th Cir. 2005).

Substantial evidence supports the BIA’s adverse credibility determination because Kaur’s inconsistent evidence regarding whether she was employed as a teacher in August 2001 goes to the heart of the reasons for her alleged first arrest. *See Li*, 378 F.3d at 964. In the absence of credible testimony, Kaur did not present sufficient evidence to establish eligibility for withholding of removal or relief under the CAT. *See Farah v. Ashcroft*, 348 F.3d 1153, 1155-57 (9th Cir. 2003).

We need not address the BIA’s alternative determinations.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.